

Notice of Allowability

Application No.

10/724,221

Examiner

Kuo-Liang Peng

Applicant(s)

KAMOHARA ET AL.

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/28/07 RCE.
2. ☒ The allowed claim(s) is/are 1,2,4,5,8,12,21-28 and 30-35.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Kuo-Liang Peng
Primary Examiner
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DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 2, 2007 has been entered. Claims 1, 21-22, 25, 30 and 34 are amended. Claims 3, 6-7, 9-11, 13-20 and 29 are deleted. Now, Claims 1-2, 4-5, 8, 12, 21-28 and 30-35 are pending.

2. It is noted that in the previous Office action (Paper No. 102806), Examiner inadvertently omits mentioning that upon further consideration, Examiner had decided to give an action on the merits for Claim 22.

3. Claim rejection(s) under 35 USC 112, second paragraph, in paragraph 4 of the previous Office Action (Paper No. 102806) is/are removed.

4. Claim rejection(s) under 35 USC 112, first paragraph, in paragraphs 6-7 of the previous Office Action (Paper No. 102806) is/are removed.

5. Claim rejection(s) under 35 USC 103 in the previous Office Action (Paper No. 120806) is/are removed.

Allowable Subject Matter

6. Claims 1-2, 4-5, 8, 12, 21-28 and 30-35 are allowed.

7. The following is an examiner's statement of reasons for allowance:

The present claims are allowable for at least the following reason(s) over the closest references: Torto (WO 00/61074, US 6 762 242), Nitzsche (US 3 070 566), Bryan (US 4 657 959) and Chikuni (US 5 768 414).

Torto discloses a dental impression composition comprising a Si-alkenyl functional polysiloxane (POS(1)), a Si-H containing polysiloxane (POS(2)) and a surfactant of **polyalkylene oxide**. (col. 1, lines 7-38, col. 3, line 24 to col. 4, line 3, col. 5, line 61 to col. 6, line 10 and Examples) POS(1) can comprise siloxy units of formula 1.1 and siloxy units of formula 1.2. (col. 7, line 1 to col. 8, line 56)

However, Torto does not teach or fairly suggest the **polyether** where R^1 is a) $C_3H_6SiR^2_k(OR^2)_{3-k}$ with at least one R^2 is an alkenyl group or b) an alkenyl group set forth in Claims 1, 22, 25 and 34.

Nitzsche discloses a composition comprising a hydroxy-containing diorganopolysiloxane, a crosslinking agent and a catalyst. (col. 1, lines 55-61 and Examples) The amount of the phenyl group in the diorganopolysiloxane can be exemplified in Examples. The composition can be used in a dental impression composition, a building composition, etc. (col. 4, lines 26-31) Nitzsche is silent on the use of a polyether set forth in the present invention. Furthermore, Bryan teaches the use of a polyether in a silicone dental impression material. The motivation is to adjust the surface properties such as water contact angle of the dental impression material. (col. 1, lines 5-10, col. 5, line 56 to col. 6, line 38, Table 1) In light of the benefit mentioned, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate Bryan's polyether into Nitzsche's composition. Furthermore, it is well known to add a polyethylene glycol in a building member composition. For example, Chikuni teaches a polyethylene glycol as a thixotropic agent in a building member composition, supra. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the polyethylene glycol into Nitzsche's building member composition. However, none of Nitzsche, Bryan and Chikuni, taken alone or in combination, teaches or fairly suggests the

polyether where R^1 is a) $C_3H_6SiR^2_k(OR^2)_{3-k}$ with at least one R^2 is an alkenyl group or b) an alkenyl group set forth in Claims 1, 22, 25 and 34.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR

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only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

klp

May 21, 2007



Kuo-Liang Peng
Primary Examiner
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